



MINUTES

Of A

REGULAR COUNCIL MEETING

June 25, 2015

The City Council of the City of Longview, Texas, met in a Regular Session, June 25, 2015, at 5:30 P.M. in the Council Chambers of the Jo Ann Metcalf Municipal Building. Mayor Andy Mack presided.

Members present were:

Andy Mack
Ed Moore
Nona Snoddy

Kristen Ishihara
David Wright
Sidney Allen

Members absent were:

Kasha Williams – left at 5:50 p.m.

Staff members present were:

David Willard, City Manager
Shawn Hara, Assistant to the City Manager
Shelly Ballenger, City Secretary
Jim Finley, City Attorney
Michael Shirley, Director of Development Services
Rolin McPhee, Director of Public Works
Laura Hill, Director of Community Services
Angela Coen, Director of Financial Services
Mary Ann Miller, Director of Administration
J.P. Steelman, Fire Chief
Don Dingler, Police Chief

I. Call to Order – Mayor Andy Mack called the meeting to order.

II. Invocation – Donovan Brooks of the Youth Department at the Red Oak Missionary Baptist Church gave the invocation.

III. Pledge of Allegiance – Ashley Jeffery led the pledge of allegiance with Joi Robertson, Meleah Brooks, Jayla Robertson, Donovan Brooks and Kennedy Jeffery the members of the Youth Department at the Red Oak Missionary Baptist Church.

IV. Action Items

A. Consider a Resolution terminating agreements with the Longview Chamber of Commerce (formerly known as the Longview Partnership) for services relating to a convention and visitors' bureau and for services relating to the urban main street program –

Dr. Andy Mack, Mayor: Typically we would wait for Citizen Comment portion, but since there are cards for this item, we will let you go ahead and speak now.

Michael Snell 821 Charlotte Drive, Longview: Spoke of the Longview Art Museum and how it influenced the revitalization of downtown before the Chamber got involved.

Mayor Mack: The Hotel Occupancy Tax money called the HOT fund is a statute by law that we can take nine percent of the taxes when people stay in our hotels. Seven percent is what we get to utilize and two percent is dedicated towards the Convention and Visitor's Bureau at some point. Of that, two percent goes to the Convention Center at some point in time. It is set aside and is not being used.

There is approximately \$531,000.00 in that fund right now. We used a million or so dollars to do the Rodeo Arena and restrooms last year. Understand that these monies are dedicated by statute as to where we can place them. Within each one of these funds there are rules and regulations as to how we can spend them.

With the Convention and Visitor's Bureau that money is meant to be spent in bringing tourism to Longview and putting people in our hotel rooms because that is where it comes from. That is how you have to reinsert that money into the community to bring tourism into Longview to spend money here and that is how we get this money.

Victoria Wilson, 607 East Melton, Longview: Thanked the City offices and Kasha Williams, Councilmember of District 2. Ms. Wilson voiced support of returning the Convention and Visitor's Bureau and Urban Main Street Program to the City of Longview.

Ken Cunningham, 700 East Marshall Avenue, Longview: Ken who is the Chairman of the Longview Chamber of Commerce spoke of the Chamber being a good steward of the public funds and have done a great job with them. He also stated that the Chamber will respect whatever decision the Council decides upon and will help to make sure the transition is a smooth one. The City of Longview will still have the support of the Chamber.

Council Member Moore: I wanted to table this because I feel that it needed more study. I want to thank Kelly Hall and Ron Hutchison for supplying me with the information that I needed to evaluate what we do now. We have a fiduciary responsibility to oversee public funds and in order to do that in an effective manner we need this money back. We can have more flexibility as to what direction we go. It was a difficult decision for me to come to but after doing research, that is where I stand.

Council Member Williams: I think that this is a great thing for our community. Tourism is a big deal and we are missing dollars. This is going to give us opportunities to do additional things that we need to do to market our community for what it really looks liked.

MOTION: Council Member Williams made a motion the following Resolution be approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, TERMINATING AGREEMENTS WITH THE LONGVIEW CHAMBER OF COMMERCE (FORMERLY KNOWN AS THE LONGVIEW PARTNERSHIP) FOR SERVICES RELATING TO A CONVENTION AND VISITORS' BUREAU AND FOR SERVICES RELATING TO THE URBAN MAIN STREET PROGRAM; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO PROVIDE NOTICE OF TERMINATION OF SAID CONTRACTS THAT COMPLIES WITH THE APPLICABLE PROVISIONS OF SAID CONTRACTS; AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ENTER SUCH AGREEMENTS AND MAKE SUCH OTHER ARRANGEMENTS AS MAY BE REASONABLY NECESSARY TO CARRY OUT THE PURPOSES OF THIS

RESOLUTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

SECOND: Council Member Ishihara seconded the motion.

VOTE: The motion carried unanimously (7, 0).

Such Resolution No. 4944 and appears in the Resolution and Ordinance records of the City of Longview.

Mayor Mack: At this time Ms. Williams is going to be excused because she is heading the Henderson to be installed as the Vice President of the TML Region 15. We thank you for being here and congratulations.

B. First reading of an Ordinance enacting a new electric franchise agreement between the City of Longview, Texas, and Southwestern Electric Power Company –

Jim Finley, City Attorney requested the Council consider an Ordinance in which the current electric franchise with Southwestern Electric Power Company ("SWEPCO") is set to expire on November 12, 2015. The City and SWEPCO have completed renegotiating of this franchise. The term of the new franchise is for twenty-five (25) years. SWEPCO has agreed to this ordinance. Under the Charter this franchise ordinance is required to be considered at two separate regular meetings. This is the first action required by Council. The second action will be at the August 13, 2015 meeting.

Council Member Allen: Do we have any numbers on the rates that we will be looking at?

Jim Finley: The audited amount under the franchise fee for last year was 2.7 million dollars. Currently year to date we have received about 2 million dollars.

Council Member Allen: Is this just our franchise fees or is this having to do with the regulatory on the retail rates to the customers that are paying their electric bill?

Jim Finley: This is just for the franchise to use our right of ways.

Council Member Allen: We usually join a group. What are the other members of the group?

Jim Finley: This is just our franchise for our specific city. Each city has a specific franchise with a utility for the use of their right of way. This is not a coalition.

Council Member Wright: What concerns me is that we spend a lot of money to beautify Longview. It seems to me that SWEPCO and the City can work together to come up with some kind of plan so that all these beautiful mature trees that we have aren't damaged with the constant trimming. I would like to see something along those lines worked on.

Jim Finley: Really how they trim for their right of way it is integrity for their system. That is a judgment call on their part. They are required to make sure that power gets to the customer and they have to ensure that that integrity is there. It is my understanding that Keith Honey, who is the local representative is available to work with the citizens.

Council Member Ishihara: Could we change the language in that section?

Jim Finley: We try to address it as best we can. They know their system better than we do. They may have other issues with a regulatory agency or with a state or the federal government. I think that this is how this aspect of the franchise has been presented throughout East Texas.

Council Member Ishihara: Right now is the time that we need to talk about this issue and maybe think about how to negotiate or provide some sort of oversight or additional input than we have right now. I get a lot of complaints about tree trimming.

Jim Finley: It is your call. I can go back. We will have to start the process over. They way this works is if we approve this tonight then we have to wait thirty days to consider at a next regular meeting. Once it passes then we have to publish it for four weeks, once a week in the paper for a month. It goes into effect sixty days after that. The Public Utility Commission mandates that they have to do this and they have to do that.

Council Member Wright: I did speak with Mr. Honey and he is more than willing to work with any citizens before the trimming happens.

Jim Finley: We have worked with SWEPCO and have had a long history with them. I don't foresee that changing.

David Willard, City Manager: SWEPCO has been nothing more than a great partner and pick up the phone all the time and work back and forth. They are concerned with

these types of calls and respond to them accordingly. The difficulty is they have the right to take care of their power lines. It would be very difficult for us to tell them how to trim their trees. In our negotiations this is about as far as we felt we could negotiate.

Mayor Mack: I think the bottom line is that we are very fortunate to have SWEPCO and Mr. Honey who will always do their best to appease as they can but we have to look at both sides of this. We obviously love the trees but if you power is out for a week and we might wish those trees weren't there.

Council Member Allen: We like the trees but when we lose electricity, we don't like the trees.

MOTION: Council Member Allen made a motion the following Ordinance be approved:

AN ORDINANCE GRANTING TO SOUTHWESTERN ELECTRIC POWER COMPANY THE RIGHT, PRIVILEGE AND FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN, REPAIR, RECONSTRUCT AND OPERATE A SYSTEM OF ELECTRIC POWER LINES, APPURTENANCES AND APPLIANCES FOR CONDUCTING ELECTRICITY IN, UNDER, OVER, ACROSS, THROUGH AND ALONG ANY AND ALL OF THE PRESENT AND FUTURE STREETS, AVENUES, ALLEYS, THOROUGHFARES, ROADS, HIGHWAYS, SIDEWALKS, BRIDGES AND PUBLIC PLACES OF THE CITY OF LONGVIEW, TEXAS.

SECOND: Council Member Moore seconded the motion.

VOTE: The motion carried unanimously (7, 0).

This is the first reading of this ordinance and it will receive a number at the August 13, 2015 meeting if approved.

V. Employee Recognition

We would like to thank employees responsible for major water and maintenance project that impacted the entire water supply and distribution system ultimately resulting in improved water quality for all residents.

Rolin McPhee, Director of Public Works: This is a process that the City of Longview has never undertaken. Between April 20th and May 20th the Water Utility Purification group and the Water Distribution group both got together and switched to free chlorine. These gentlemen worked tirelessly to change out the water to free chlorine and then they evacuated that water combined with our citizen's use and disinfected the entire system. The results of this project were a complete success.

We would like to thank the team for a job well done on the chlorine conversion and maintenance flushing program, under the supervision of Mike Brown and Rick Evans: Albert Chapman, Quandre Snead, Patrick Burgess, Steve Hill, Kenneth Tolbert, Roy Buchanan, Brian Richardson, Ray Rouse, Ronnie Hubbard and Robert Francis. The people that were unable to be here were: Keith Murray and Mathew Powell. Teamwork among these two divisions has never been better.

VI. Citizen Comment

Buddy Stewart, 4112 Wesley, Longview: Spoke of the condition of Longview's streets.

Vik Verma, 505 Danville Road, Kilgore: Spoke about Organizing for Action East Texas and the Affordable Care Act.

Jim Martin: Spoke about water and garbage rate increases within the City of Longview and the Animal Shelter expenses.

Michael Snell 821 Charlotte Drive, Longview: Spoke about the trees that are trimmed by SWEPCO are trimmed incorrectly which cause failure in the trees.

Coleen Manoy: Spoke of involving the citizen input regarding tourism.

Keith Honey with SWEPCO: We in fact do employ arborists that do direct the way we trim trees. They do look at what is best for the tree and balance that with how we can best keep the electricity flowing to everyone. It is a delicate balance. We do have standards that are set for us by the Public Utility Commission in terms of reliability that we have to meet. If we don't provide reliability we get fined by the Public Utility

Commission. We aren't perfect by any means but we are trying to work more diligently to improve reliability.

VII. Presentation Item

Presentation to Ed Moore for his service to the Longview Firemen's Relief and Retirement Fund Board (1984 – 2015) –

Kolby Beckham, Chairman: Ed Moore has served thirty-one years as our citizen board member. That is the longest standing citizen board member in this state. When he ran for Council it made him ineligible to fill the role as a citizen board member. We would like to present you with this plaque and a watch for your thirty-one years of service.

VIII. Consent Agenda

A. Consider a Resolution to apply for and accept Fiscal Year 2015 Justice Assistance Grant (JAG) from the U.S. Department of Justice in the amount of \$32,823.00 to be used for crime prevention initiatives and law enforcement equipment –

Mayor Mack: I would like Item A pulled for separate consideration. I would like to clarify that this grant does not give any Federal oversight over our local law enforcement. Are there any strings attached to this grant? If so, I would like to know what they are.

Police Chief Don Dingler: We apply for this grant every year and it goes through the Partners in Prevention. It is used for crime prevention and initiatives and contractual staff for that. The Police Department is allowed to buy equipment with this money. We get some equipment each year. It is not a large amount of money. There are restrictions on what we are able to purchase now through executive order. These are not things that we would purchase anyway. The only reporting requirements are that we have to do a quarterly report and then there is an annual report. They keep up with where the money goes. As far as restrictions of the Police Department, this doesn't have any.

Mayor Mack: We have been given this for years? We have never seen where the government has tightened around us for any reason.

Chief Don Dingler: No, sir. The grant first became available in the late 1990's and we apply for these each year and there have never been any restrictions as far as the Police Department.

Holly Fuller, Partners in Prevention Manager requested the Council consider a Resolution to apply for a JAG grant. The Bureau of Justice Assistance through U.S. Department of Justice is soliciting program applications from local government agencies for the Edward Byrne Memorial Justice Assistance Grant (JAG) Local Solicitation Program to develop and enhance crime prevention, prevention and education programs, personnel, and supplies for Partners in Prevention and equipment for Longview Police Department. Both departments will jointly work to prevent crime, and raise public awareness of crimes against children, including human trafficking.

The grant amount is determined by Bureau of Justice Assistance (BJA) based on three year crime averages. Each year our funding is a different amount. They let us know what we can apply for.

The City of Longview is eligible to receive funding in the amount of \$32,823. Matching funds are not required.

City of Longview will apply for the grant and use the funds to address crime prevention, and raise awareness around crimes involving children; to support contratual staff; and equipment for Longview Police Department.

Mayor Mack: My biggest concern is that there is no free money. I want to make sure as we go forward with this Council is that when we do apply for grants, I want to make sure we are fully aware of any repercussions that could come upon us. My preference is that we maintain as much local control over what we do as we can. I don't want the federal government telling us what to do anymore than they already can. Please be very aware of that as we move forward and make sure that we all research these. Please get these grants to us in time so that we may do our research as well. I appreciate all the due diligence involved in that.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE APPLICATION, ACCEPTANCE AND EXPENDITURE OF GRANT FUNDS IN THE AMOUNT OF \$32,823.00 FROM THE 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR USE BY THE CITY OF LONGVIEW, PARTNERS IN PREVENTION AND LONGVIEW POLICE

DEPARTMENT; AUTHORIZING THE ACCEPTANCE OF \$32,823.00 IN GRANT FUNDS FOR USE BY THE CITY OF LONGVIEW; AUTHORIZING THE ACCEPTANCE OF ALL SPECIAL CONDITIONS IMPOSED IN CONNECTION WITH SAID GRANT FUNDING; AUTHORIZING AND DIRECTING THE CITY OF LONGVIEW PARTNERS IN PREVENTION PROGRAM MANAGER OR OTHER OFFICIAL OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING, SECURING AND EXPENDING SAID GRANT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

MOTION: Council Member Ishihara made a motion the following Resolution be approved:

SECOND: Council Member Wright seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Resolution No. 4945 and appears in the Resolution and Ordinance records of the City of Longview.

B. Consider a Resolution accepting the 203 Hailey and 1305 Lake Drive Drainage Improvements and authorizing final payment in the amount of \$20,322.32 to Reynolds and Kay, LTD, of Tyler, Texas –

Rolin McPhee, P.E., Director of Public Works requested the Council consider a Resolution accepting the 203 Hailey Drive and 1305 Lake Drive Drainage Improvements Project and authorizing final payment in the amount of \$20,322.32 to Reynolds and Kay Ltd., Tyler, Texas. Approval of final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to Reynolds and Kay Ltd., on September 25, 2014 in the amount of \$198,106.00. Change Order Number Three increased the scope and cost by \$617.25. The final construction cost is \$198,723.25.

This project consisted of construction improvements which included 880 linear feet of storm drain pipe, box culverts and storm drain inlets for 203 Hailey Drive and 1305 Lake Drive; and other miscellaneous work as necessary to complete the installation of the proposed storm drainage improvements.

The project has been completed in accordance with the contract. The consultant, Hayes Engineering recommends acceptance of the project and approval of the final payment. Staff concurs with the recommendation.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT KNOWN AS “203 HAILEY DRIVE AND 1305 LAKE DRIVE DRAINAGE IMPROVEMENTS”; AUTHORIZING AND APPROVING FINAL PAYMENT TO REYNOLDS AND KAY LTD., OF TYLER, TEXAS, FOR CONSTRUCTION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

MOTION: Council Member Ishihara made a motion the following Resolution be approved:

SECOND: Council Member Snoddy seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Resolution No. 4946 and appears in the Resolution and Ordinance records of the City of Longview.

IX. Items of Community Interest

Council Member Snoddy: I would like to comment that Thrive 360 and the City of Longview partnership is working out great.

Council Member Ishihara: I have a great year and a great experience with the entire city staff I have gotten to work with. The city staff is incredible and they do a great job.

I want to acknowledge the great job that the Chamber has done. This transition has already been handled very professionally and graciously. It is a wonderful way that it has been handled.

Council Member Wright: I have had some calls on streets and I have worked with Rolin McPhee. I have also worked with the Police Department on some signs. I want to commend them. They respond right away when I call them. Thank you for all the hard work that you do.

Council Member Allen: CitySend is a mobile and online service request system for the City of Longview, Texas. CitySend allows residents to identify issues and report those service requests directly to the City of Longview. Residents can upload a photo or video of the concern and mark the geographic location on a map. Each request can then be tracked for follow up. Requests may be submitted online or using a smartphone.

Mayor Mack: The City of Longview is currently constructing a state of the art Animal Shelter and Adoption Center and we want your input on the name of the facility. Please email your name suggestions to NameTheShelter@LongviewTexas.gov. Submitted names will be considered by the Martin Family, our generous "Naming rights" donor, and the Animal Shelter Advisory Committee.

City of Longview offices will be closed in observance of Independence Day on Friday, July 3. The Sanitation Division will operate as normal the week of June 29.

The 4th of July Fireworks and Freedom Celebration is happening in less than a month. Come out to the Maude Cobb Convention and Activity Complex for a day of family fun, music and entertainment. At 8:00 pm, Delbert McClinton will take the stage for a free outdoor concert followed by the largest fireworks display in East Texas.

Partners in Prevention and Longview Fire Department will host the Heroes of Tomorrow (HOT) Camp on Saturday, July 11, and Saturday, July 25. This is a one day camp for 7th - 12th grade boys and girls. For more information call Partners in Prevention at 903-237-1019.

I did a little online survey. I just want to see the tone of the citizens and see what is going on.

My question today was: Why do you live in Longview? 1. Availability of jobs. 2. Quality of Life. 3. Close to family. 4. Never left. The winner of this was close to family

and second was quality of life. I think that says a lot about our community and where we are headed. It is a very bright indication of what is ahead for Longview.

My second question was: What is your favorite flavor of ice cream? 1. Strawberry 2. Chocolate 3. Vanilla 4. Pralines and Cream 5. Rocky Road. The winner was Vanilla with Chocolate coming in second. My favorite Pralines and Cream was third.

X. Adjourn

The meeting was adjourned at 6:37 pm.

Shelly Ballenger
City Secretary

